

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GAKM RESOURCES LLC
and GOLDTOEMORETZ, LLC

Plaintiffs,

v.

JAYLYN SALES INC., DON KREISS,
HOSIERY CONCEPTS INC.,
TIMOTHY LEE, SE-GYE YANG
HAENG CO., LTD., and DOES 1-30

Defendants.

Civil Action No. 08 CV 6030 (GEL)

**NOTICE OF MOTION TO DISMISS
COMPLAINT AS TO DEFENDANT
DON KREISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in support hereof, the Declaration of Don Kreiss and the exhibit attached thereto, and all pleadings and proceedings had herein, Defendant Don Kreiss ("Kreiss") will move this Court before the Honorable Gerard E. Lynch, in Courtroom 6B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiffs GAKM Resources LLC and GoldToeMoretz's Complaint against Kreiss in its entirety and granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Dated: New York, New York
August 29, 2008

By: /s/ Masahiro Noda
Scott E. Thompson (ST 7889)
James H. Donoian (JD 9052)
Masahiro Noda (MN 0213)
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August 2008, a copy of the foregoing NOTICE OF MOTION TO DISMISS COMPLAINT AS TO DEFENDANT DON KREISS was filed with the clerk of the court of the United States District Court for the Southern District of New York and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Nycol Morrisey
Nycol Morrisey